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EXAMINER

LIN, KENNY S

ART UNIT

PAPER NUMBER

2152

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/664,673	Applicant(s) BORELLA ET AL.	
	Examiner Kenny S. Lin	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-16 and 18-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-16, 18-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 4-16, 18-29 are presented for examination. Claims 2-3, 17 and 30-41 are canceled.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 11-15 and 21-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following term lack proper antecedence basis:
 - i. Claim 11, line 2 – a first node (is this the “a node” introduced in claim 1?)
 - ii. Claim 11, line 3 – a node (is this the “a node” introduced in claim 1?)
 - iii. Claim 12, line 4 – a node (is this the “a node” introduced in claim 1?)
 - iv. Claim 13, line 4 – a node (is this the “a node” introduced in claim 1?)
 - v. Claim 14, line 4 – a node (is this the “a node” introduced in claim 1?)
 - vi. Claim 15, line 4 – a node (is this the “a node” introduced in claim 1?)
- b. The term "substantially" in claim 21 is a relative term which renders the claim indefinite. The term "substantially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Although the specification shows support for a range of candidate

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periods of time such as 1.0 seconds, 5.0 seconds...etc., the specification does not disclosed these fixed periods of times to be “substantially fixed”.

- b. Claim 1 and 11-15 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. According to the applicant’s argument in page 9 of the remark that “a first node” or “a node” in claims 11-15 can be interpreted as a different node than the “a node” in claim 1, claim 1 or 11-15 therefore, omitted the essential step of retrieving from memory at least one temporary Internet protocol session parameter as corresponds to a first/different node (Claim 11 refer to the omitted step by stating “wherein retrieving from memory at least one temporary IP session parameter as corresponds to a first node...”) because claim 1 fail to include the step of retrieving from memory the temporary IP session parameters of two or more different nodes. (This rejection is necessitated by the argument raised in the 12/19/2007 remark).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1, 10-11, 13, 16 and 21-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Takahashi et al (Takahashi), US 2004/0064520.

6. As per claim 1, Takahashi taught the claimed invention including a method to facilitate conducting an Internet protocol session comprising:

- a. Retrieving from memory at least one temporary Internet protocol session parameter as corresponds to a node and as was recently previously assigned to the node and not then yet subsequently returned to a pool of available temporary Internet Protocol session parameter (pp. 0021, 0024, 0026, 0028, 0031-0032, 0036, 0038);
- b. Using that at least one temporary Internet protocol session parameter to facilitate initiation of an Internet protocol session with the node (pp. 0031, 0036).

7. As per claim 16, Takahashi taught the claimed invention including a method to facilitate conducting an Internet protocol session comprising:

- a. Conducting a first Internet protocol session with a node using at least one temporary session parameter (pp. 0021, 0033);
- b. Upon concluding the first Internet protocol session, storing information that corresponds to the at least one temporary Internet protocol session parameter (pp. 0024: preserving the execution state of the operating system; pp. 0026, 0028: storing the execution state of the operation system in memory; pp. 0038) as was assigned to the node for the first Internet Protocol session and then not returning

to a pool of available temporary Internet Protocol addresses for a predetermined period of time (pp. 0021: or until a predetermined time period has passed since the control device started to use the IP address, 0024, 0026, 0028, 0031-0032, 0036, 0038);

- c. When the node seeks to initiate a second Internet protocol session within a predetermined period of time as corresponding to concluding the first Internet protocol session (pp. 0021-0022, 0026, 0030, 0040):
 - i. Retrieving from memory the at least one temporary Internet protocol session parameter (pp. 0026, 0028, 0031-0032, 0036);
 - ii. Using that at least one temporary Internet protocol session parameter to facilitate the second Internet protocol session (pp. 0031, 0036).
8. As per claim 10, Takahashi taught the invention in claim 1. Takahashi further taught retrieving from memory at least one temporary Internet protocol session parameter as corresponds to a node comprises only retrieving from memory at least one temporary Internet protocol session parameter as corresponds to a node when the node seeks to facilitate the Internet protocol session within a predetermined period of time following termination of a previous Internet protocol session (pp. 0021-0022, 0026, 0030).
9. As per claim 11, Takahashi taught the invention as claimed in claim 1. Takahashi further taught retrieving from memory at least one temporary Internet protocol session parameter as corresponds to a first node comprises retrieving from memory at least one temporary Internet

protocol session parameter as corresponds to a node when a second node seeks to communicate with the first node within a predetermined period of time following termination of a previous Internet protocol session (pp. 0021-0022, 0026, 0030, 0040-0043).

10. As per claim 13, Takahashi taught the invention as claimed in claim 1. Takahashi further taught retrieving from memory at a remote access server at least one temporary Internet protocol session parameter as corresponds to a node (DHCP server).

11. As per claim 21, Takahashi taught the invention in claim 16. Takahashi further taught the predetermined period of time comprises a substantially fixed predetermined period of time (pp. 0021, 0040, 0043).

12. As per claim 22, Takahashi taught the invention in claim 16. Takahashi further taught the substantially fixed predetermined period of time is selected from within a range of candidate periods of time (pp. 0030).

13. As per claim 23, Takahashi taught the invention in claim 16. Takahashi further taught the predetermined period of time comprises a dynamically determined period of time (pp. 0030, 0040).

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14. As per claim 24, Takahashi taught the invention in claim 23. Takahashi further taught determining the dynamically determined period of time as a function, at least in part, of a time when the first Internet protocol session concludes (pp. 0030, 0040-0043).

15. As per claims 25-26, Takahashi taught the invention in claim 24. Takahashi further taught determining the dynamically determined period of time as a function, at least in part, of a time of day when the first Internet protocol session concludes (pp. 0030, 0040-0043).

16. As per claim 27, Takahashi taught the invention in claim 23. Takahashi further taught determining the dynamically determined period of time as a function, at least in part, of a prioritization as pertains to the node (pp. 0030, 0040-0043: within the period of time, the node has the priority to reuse the IP).

17. As per claim 28, Takahashi taught the invention in claim 23. Takahashi further taught determining the dynamically determined period of time as a function, at least in part, of available Internet protocol session resources (pp. 0030, 0040-0043).

18. As per claim 29, Takahashi taught the invention in claim 28. Takahashi further taught determining the dynamically determined period of time as a function, at least in part, of available Internet protocol session resources comprises determining the dynamically determined period of time as a function, at least in part, of available temporary Internet protocol addresses (pp. 0030, 0040-0043).

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 4-9, 12, 14-15 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al (Takahashi), US 2004/0064520.

21. As per claims 4-6, Takahashi taught the invention substantially as claimed in claim 1. Takahashi did not specifically teach retrieving from memory at least one point-to-point protocol session parameter, at least one domain name system session parameter or at least one Internet protocol session compression parameter. However, Takahashi taught to preserve the execution state of the operation system in memory and use the stored execution state to recover the device back to the operation state (pp. 0024-0026, 0028, 0030-0031, 0038). It would have been obvious to one of ordinary skill in the art to recognize that the process of preserving the execution state would include storing all configuration and parameters, including all session parameters, in order for the device to fully recover to its previous operation state. It would have been obvious to one of ordinary skill in the art at the time of the invention to store in memory all session parameters including PPP, domain name system and IP session compression parameters during a preserving

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process in order to retrieve these information to fully recover the device back to its operating state in a later time.

22. As per claims 7-8, Takahashi taught the invention substantially as claimed in claim 4.

Takahashi did not specifically teach retrieving from memory at least one point-to-point protocol session parameter as corresponds to a recent point-to-point protocol session as was conducted with the node; retrieving from memory a plurality of point-to-point protocol session parameters. However, Takahashi taught to preserve the execution state of the operation system in memory and use the stored execution state to recover the device back to the operation state (pp. 0024-0026, 0028, 0030-0031, 0038). It would have been obvious to one of ordinary skill in the art to recognized that the process of preserving the execution state would include storing all configuration and parameters, including all session parameters, in order for the device to fully recover to its previous operation state (e.g. recent operation state). It would have been obvious to one of ordinary skill in the art at the time of the invention to store in memory all session parameters including a plurality of PPP session parameters during a preserving process in order to retrieve these information to fully recover the device back to its operating state in a later time.

23. As per claim 9, Takahashi taught the invention substantially as claimed in claim 4.

Takahashi did not specifically teach using that at least one temporary Internet protocol session parameter to facilitate initiation of an Internet protocol session with the node comprises using the at least one point-to-point protocol session parameter to negotiate a new point-to-point protocol session with the node. However, as admitted by the applicant in the specification of the

application, it would have been obvious and clear to those skilled in the art at the time the invention was made to facilitate initiation of an IP session with the node using the at least one PPP session parameter to negotiate a new PPP session with the node (see page 7, paragraph 0030 of the application).

24. As per claims 12 and 14-15, Takahashi taught the invention substantially as claimed in claim 1. Takahashi did not specifically teach retrieving from memory at a packet data service node/a home agent/a gateway general packet radio service support node at least one temporary Internet protocol session parameter as corresponds to a node. However, the concept and advantage of storing and retrieving contents at a remote memory is well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Takahashi's teaching with various types of remote devices, servers and nodes to support content storing and retrieving, including parameters, for the session establishing nodes.

25. As per claims 18-20, Takahashi taught the invention substantially as claimed in claim 16. Takahashi did not specifically teach storing information that corresponds to point-to-point protocol session parameters as were negotiated by the node for the first Internet protocol session, at least one domain name system session parameter or at least one Internet protocol session compression parameter. However, Takahashi taught to preserve the execution state of the operation system in memory and use the stored execution state to recover the device back to the

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operation state (pp. 0024-0026, 0028, 0030-0031, 0038). It would have been obvious to one of ordinary skill in the art to recognize that the process of preserving the execution state would include storing all configuration and parameters, including all session parameters, in order for the device to fully recover to its previous operation state. It would have been obvious to one of ordinary skill in the art at the time of the invention to store in memory all session parameters including PPP, domain name system and IP session compression parameters during a preserving process in order to retrieve these information to fully recover the device back to its operating state in a later time.

Response to Arguments

26. Applicant's arguments filed 12/19/2007 have been fully considered but they are not persuasive.

27. In the remark, applicant argued (1) The 112 second paragraph. (2) Takahashi does not teach "retrieves from memory at least one temporary IP session parameter as corresponds to a node and was recently previously assigned to the node and *not then yet subsequently returned* to a pool of available, temporary IP session parameters".

28. Examiner traverse the argument:

As to point (1), applicant's argument is not persuasive and further raises new 112 2nd paragraph rejection (see 112 rejection above). Applicant's argument contradict with the disclosure of the specification since nowhere in the specification disclosed to retrieve temporary IP session

parameters that corresponds to multiple different nodes and use them to communicate with a second node. Although applicant may purposefully not use “the” or “said” in order to preserve the interpretation of the nodes to be or not necessarily to be the same node, it is believed that better claim language can be used to reduce the antecedence basis lacking issue.

Applicant’s argument regarding the term "substantially" is not persuasive since the claim language is used to define "a fixed period of time". The definition of the words "substantially" and "fixed" contradict with each other since one cannot have both a “fixed/perfect” amount of time and a “substantial/approximate” at the same time. Although court of appeals found expression "substantial" to be meaningful, applicant's specification failed to disclose any written disclosure in supporting or clearly defining the predetermined period of time to be “substantially fixed”.

As to point (2), Takahashi disclosed in paragraph 21 that the IP address is released in two different conditions, i) until DHCP server receives information that the unit has terminate the use of IP address or ii) until a predetermined time has passed. Even though the unit may be placed in halt state, it does not necessarily mean that the IP address is already released and returned to the pool of available address since the predetermined time may not have yet to be expired.

Takahashi also disclosed to preserve the execution state of the operating system in memory (pp. 0024, 28), for this reason, the use of IP address is also stored in memory because it is part of the operation state.

Conclusion

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Babbitt et al, US 6,618,757, disclosed hold time for IP address.

30. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenny Lin whose telephone number is (571) 272-3968. The examiner can normally be reached on 8 AM to 5 PM Tue.-Fri. and every other Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Kenny S Lin/
Primary Examiner, Art Unit 2152
March 28, 2008